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MAINE Environment

2018 Report Card for Maine's Environment

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In late July, the 2018 legislative session finally headed toward closure, more than three months beyond the statutory adjournment date of April 18. Once again, a primary reason for the extended session was Governor Paul LePage's unprecedented behavior of vetoing nearly every bill that reaches his desk. Over the past eight years, the governor has vetoed 642 bills. To put this in perspective, all of Maine's governors who served from 1917 through 2010, when Governor LePage was elected, vetoed a combined total of only 469 bills. Governor John Baldacci vetoed 5 bills in his eight years, and Senator Angus King vetoed 51 when he was governor.

The governor's vetoes represent an extraordinary affront to the legislative process and the thousands of Maine people who traveled to Augusta to testify on bills of concern, met with their legislators, wrote letters and emails, and participated in a constructive way to help Maine move forward. The governor blocked many of his own top staff from attending key committee hearings on bills affecting their agencies. He routinely vetoed bills that received nearly unanimous bipartisan support in both the House and Senate, and he lashed out in his veto messages against legislators who had devoted countless hours working together to craft laws that would serve the people of Maine, our environment, and our economy.

These hundreds of vetoes have triggered increased partisanship and wasted tens of thousands of taxpayer dollars by forcing lawmakers to spend time and taxpayer money revisiting bills that had already garnered broad support. Lawmakers voted to override about 50 percent of the governor's vetoes, but many bills did not survive the governor's opposition, as happened once again this year on solar energy policy.

As in 2016 and 2017, the biggest disappointment came when an important solar bill that initially passed both the House and Senate by veto-proof majorities ended up falling two votes short of the number needed to override the governor's veto. This happened because six Republicans switched their votes in the face of pressure from the governor and his allies.

While this outcome was extremely frustrating, we know that Maine people strongly support solar legislation that will help Maine get out of last place in New England in terms of solar energy and solar jobs. We also know that an overwhelming bipartisan majority of lawmakers are in support of the will of Maine people, even if the governor is not. Also, we're pleased that Governor LePage is in his final months in office.

On other issues, the Legislature did a good job passing several positive environmental bills and defeating bills that would have taken Maine backwards on environmental protection. The Legislature passed a \$30 million clean water bond that will be on the fall ballot, extended Maine's participation in the Regional Greenhouse Gas Initiative, and adopted a modest bill to help address the problem of food waste. They also defeated bills that would have taxed electric vehicles, blocked towns from adopting ordinances that restrict pesticide applications, and defended Maine's Bottle Bill.

As in the past, NRCM worked closely with our colleagues in the Environmental Priorities Coalition, comprised of 34 environmental, conservation, and public health organizations. We also worked with passionate business partners, including Maine's leading solar energy companies, and allies in the Legislature.

Thank you for your support and engagement throughout the session. Your letters, emails, and conversations with legislators, and testimony in Augusta on priority bills, were invaluable. This year's achievements would not have happened without your support and involvement. Although the outcome on the solar bill is deeply disappointing, we succeeded on many other bills and, working together, we helped protect the Maine we all love.

—Pete Didisheim, NRCM Senior Director, Advocacy

Policy Goal

Outcome

Advance Solar Energy	V
Invest in Clean Water	+
Extend Climate Program	+
Defeat Tax on Clean Cars	+
Protect Pesticide Restrictions	+
Reduce Food Waste	+
Protect Bottle Bill	+
Create Climate Commission	V

V = Defeated by Governor's Veto



2018 Report Card for Maine's Environment

Reduce Climate-Damaging Pollution +



Judy Berk

The Legislature passed an important bill (LD 1657) that will continue Maine's involvement in the Regional Greenhouse Gas Initiative (RGGI) through at least 2030, with stronger limits to reduce climate-damaging pollution. Maine is one of nine states currently in RGGI, a successful regional program that reduces pollution from power plants by capping regional carbon dioxide (CO₂) emissions, creating an auction system for carbon pollution credits, and investing funds raised from those auctions in ways that reduce energy use and increase renewable energy.

RGGI has had a very positive record in Maine, where it has generated substantial funding for energy efficiency through the sale of carbon pollution credits. So far, Maine has used more than \$54 million in RGGI funds to leverage \$88 million in private investment to lower the energy bills for Mainers by more than \$277 million.

The RGGI program establishes an overall cap of carbon pollution for the region, with a 2 percent annual reduction in the cap through 2020, which will be adjusted to a 2.5 percent annual reduction after 2020 as a result of passage of LD 1657.

In addition to the economic benefits achieved through investments in energy efficiency, RGGI also is delivering significant clean air and health benefits. According to a study by Abt Associates, RGGI has significantly reduced air pollution from fossil fuel power plants, improving the health of people throughout the Northeast. The report found that the air pollution reductions have helped save 300 to 830 lives, prevented more than 8,200 asthma attacks, averted 39,000 lost days of work, and saved \$5.7 billion in health care costs and other benefits.

We appreciate the work done by the Maine Department of Environmental Protection (DEP), including DEP Commissioner Paul Mercer, in providing strong support for the bill as it went through the legislative process. With bipartisan support from the co-chairmen of the Environment and Natural Resources Committee, Rep. Ralph Tucker (D-Brunswick) and Sen. Tom Saviello (R-Franklin), the bill won unanimous committee support, and unanimous support from the House and Senate. The governor allowed the bill to become law without his signature.

Increase Solar Energy

Defeated by Veto



The biggest disappointment of the year came when the solar bill (LD 1444) was defeated because six Republican lawmakers flipped their votes. These "flip-flopping" legislators previously voted in support of the exact same bill. But once it was vetoed, they changed their position in response to intense pressure by the governor and his allies. Although the bill initially passed the Senate by a vote of 28-5 and the House by a vote of 101 to 37—sufficient in both chambers to override a veto—enough lawmakers flipped their votes to cause the bill to fall two votes short of the number needed to override the veto.

This was the third year in a row that an important bill to protect and expand the ability of Maine people and businesses to develop solar energy was defeated by false

claims and senseless ideology. This year's modest compromise bill was crafted almost entirely by Republican lawmakers. The bill would have blocked implementation of the most offensive parts of the new Public Utilities Commission (PUC) rule that will force new solar customers to pay fees to utilities for solar power they produce and consume on site. This nationally unprecedented provision is akin to making homeowners pay their local grocery store for the produce they grow and eat from their own backyard gardens. The bill would have prevented ratepayers from spending millions of dollars for the additional meters needed to assess this absurd and unfair fee—costs that will now end up in the bill of every electricity consumer in Maine. LD 1444 would have increased to 50 the number of parties that can share a community solar project; today, that number is arbitrarily capped at 10.

A similar bill was defeated in a similar fashion in 2017, and a more ambitious and comprehensive solar bill that would have created more than 600 jobs and increased solar statewide for homeowners, businesses, farms, and communities was defeated in 2016. That bill also was defeated following a veto by the governor and fell just a couple of votes short in the House for the number needed for an override.

"Even though Maine has an excellent solar resource, strong public support for solar, and a strong bipartisan majority of lawmakers who want to move forward with solar, a good solar bill was again defeated because one-third of the House sided with the governor's anti-solar ideology," said NRCM Clean Energy Project Director Dylan Voorhees. "This year's bill was a very modest effort to halt a draconian rule developed by the PUC that taxes people who generate power that they use within their home. That fact didn't matter to anti-solar ideologues, such as the governor and Central Maine Power, who used rhetoric that literally had nothing to do with the bill."

As a result, Maine remains in last place in the region in terms of solar energy development and jobs. The solar industry and Maine's solar employees face continued uncertainty, and utility customers are on the hook for huge unnecessary costs that are already starting to accrue. We are losing out on the economic, energy, and environmental benefits of a proactive solar policy.

NRCM is still trying to block the PUC rule in court, and we are looking ahead to 2019 when there will be a new governor and Legislature.

Invest in Clean Water +



Allison Wells

We are very pleased that the Legislature this year passed a \$30 million clean water investment bond that will appear on the November ballot. If approved by the voters, these funds will help keep Maine waters clean by funding upgrades at sewage treatment plants statewide and addressing failing septic systems that threaten water quality. The bond will support more than 1,000 jobs and will contribute to the priceless value of clean water in Maine.

Maine's economy depends on clean water, including our coastal waters and major rivers that will benefit most from this clean water bond. Maine's fishing industry reported landings in 2016 worth more than \$700 million. The lobster fishery alone reported a dockside value of \$533 million, which amounts to a \$1.7 billion total economic impact for the state. Maine's aquaculture sector provided \$73 million in direct economic impact for the state in 2016, and an estimated 12 million people visit Maine's beaches each year, contributing more than \$1.6 billion annually to Maine's economy. Clean and healthy water is critical for all of these activities and more.

Maine has come a long way over the past 50 years in cleaning up our inland and coastal waters. Through strong, bipartisan policies and investments, we have

drastically reduced direct discharges of pollution to rivers, lakes, streams, and the ocean. But we still have plenty of work to do.

Maine communities continue to depend on outdated pipes and components in their wastewater systems that, in some cases, are more than a century old. In 2016, 25 communities discharged more than 470 million gallons of untreated stormwater and sewage into our waters because of outdated treatment systems. Affected waters included Casco Bay and Frenchman Bay, and the Androscoggin, Kennebec, Machias, St. Croix, and Saco Rivers.

Some communities have drastically reduced, or even eliminated, the discharge of untreated sewage during storm events. But Maine still has a \$1 billion backlog of known wastewater upgrade projects, spanning 120 communities. Although the original proposal before the Legislature called for a \$50 million bond, we are pleased with the amount that was passed and will be urging Maine voters to support the measure at the ballot box in November. We also anticipate returning to the Legislature in future years to request additional funds that are needed for the State's 10-year wastewater infrastructure plan.

Reduce Food Waste



Hall-Dale Middle School environmental club worked to reduce food waste.

The Legislature passed an amended version of a bill that we helped author to address the problem of food waste in Maine, with a primary focus on state government and public schools. The measure requires state facilities to adopt practices to prevent food waste, and directs the Maine DEP to play a stepped-up role in providing information and resources that can be used by schools, municipalities, businesses, and the public to reduce food waste.

Rep. Craig Hickman (D-Winthrop) was the lead advocate for the bill, aimed at putting into place policies and programs that help tackle the growing problem of food waste. Across the United States, an estimated 40 percent of the food produced for human consumption is wasted every year. As NRCM explained in our testimony on the bill, this is like going to the grocery store, purchasing five bags full of groceries, and dropping two of them in the trash on your way to your car. The 133 billion pounds of food that's wasted annually in the U.S. could fill Gillette Stadium in Massachusetts more than 700 times. This wasted food is worth more than \$160 billion, and 97 percent of it ends up in landfills, where it breaks down and produces millions of pounds of methane gas, which is more damaging to the climate than carbon dioxide.

According to studies, it takes about 300 million barrels of oil and 20 percent of the nation's fresh water supply, agricultural land, and fertilizers to produce the food that is wasted each year in the U.S.

Here in Maine, the University of Maine's Mitchell Center estimates that the level of food waste in Maine is between 110,000 tons and 210,000 tons annually. NRCM's goal is to work with legislators, schools, state agencies, farmers, hunger relief organizations, and generators of food waste (including restaurants and hospitals) to address this problem head-on. We are pleased that the Legislature has taken an important step forward with passage of LD 1534 this year, and we anticipate working with lawmakers again next year to build on that legislation with other policy approaches that have been enacted at the state level across the U.S. but not yet implemented here.

Additional Actions

+ Tax on Clean Cars Lawmakers rejected the governor's bill (LD 1806) to impose an annual, unfair, punitive tax of \$250 on electric vehicles and \$150 on hybrid vehicles. Nearly every person who testified at the hearing opposed the bill, except for the governor's representative. Similar bills have passed in other states, pushed by oil companies that are determined to slow the transition to vehicles that don't need gasoline.

+ Bottle Bill Maine's highly successful Bottle Bill survived yet another attack this year. Lawmakers defeated a rollback proposal (LD 1703) that would have reduced the deposit on wine and spirits containers from 15¢ to "not more than 5¢." This would have reduced the return rate on these large containers by 50 percent, shifting waste management costs to towns and taxpayers, reducing business for redemption centers, and cutting funds raised by charity bottle drives.



Jill Buzzell

+ Pesticides The Legislature defeated a bill introduced by the governor to block towns from adopting anti-pesticide ordinances at the local level. The pesticide industry has passed such "pre-emption" laws in many states, but here, lawmakers protected the authority of towns to limit pesticides that could pollute their waters, kill pollinators, and threaten the health of residents.

+ Renewable Energy Legislators defeated a bill that would have weakened Maine's Renewable Portfolio Standard (RPS) policy. The bill would have redefined old, small hydropower dams as "new" for the purposes of the RPS. This would have reduced Maine's incentive to increase our renewable energy supplies from new sources, and resulted in less renewable energy being available.

+ Biomass Subsidies Several bills were introduced this year to continue to prop-up old, polluting, stand-alone biomass plants that received \$13 million in taxpayer subsidies just two years ago. All of this year's bills were defeated, including a proposal that would have rewritten a key part of Maine's Renewable Portfolio Standard law to further benefit biomass plants.



Lisa Polhmann

+ Alewives Lawmakers defeated a bill (LD 1667) that would have imposed a three-year moratorium to prevent alewives and other native sea-run fish from swimming upstream to their spawning grounds in Sheepscot Pond in Palermo. Alewives are a critical fish species in Maine, playing a vital role in the aquatic food chain. Maine's rivers have experienced record alewife returns this year in response to dam removals and improvements in fish passage. This bill would have seriously hampered continued progress.



Judy Berk

Lincolnville

- Coastal Climate Commission Through his veto power, the governor defeated a bill that would have created a commission to study the risks to Maine's coast caused by storm surges, extreme weather events, and sea-level rise. All but seven of the House Republicans sided with the governor. The exceptions were Representatives Richard Cebra (Naples), Pat Corey (Windham), Bob Foley (Wells), Jim Gillway (Searsport), Matt Harrington (Sanford), Don Marean (Hollis), and Karen Vachon (Scarborough).

+ Contaminated Soils NRCM secured significant changes in a bill that could have allowed soils that are contaminated with toxic pollutants, including heavy metals and PCBs, to be used in roadways or other construction projects. As a result of our testimony, lawmakers amended a DEP rule to require that any proposed reuse of so-called "asphalt encapsulated soils" (other than soils contaminated with oil) for construction fill go through a full licensing process to ensure that the proposed material is safe.



Explore Maine's Great Outdoors

Our 2018 "Explore Maine" publication is hot off the press! This year's edition features coastal Maine locations great for hiking, swimming, birding, picnicking, and paddling, recommended by NRCM staff, board, and members! As always, it's jam-packed with wonderful nature and Maine-themed books by NRCM members. Lots more, too. Get your copy at nrcm.org, by emailing nrcm@nrcm.org, or by calling (800) 287-2345.



NEW!

New T-shirts & Mugs!

It's summertime, and we've got new t-shirts for you featuring artwork created for NRCM by Maine artist Jon Luoma! And our new mugs showcase a beautiful photo by NRCM member Walter Mugdan along with an inspirational Rachel Carson quote. Buy for yourself and as a gift at our online store today at <https://secure.nrcm.org>.



Mark and Marie Sarmiento and their boys climb to the South Bubble summit at Acadia National Park on a recent visit. Photo by Marie Sarmiento.

MY FAMILY AND ME

Celebrating the Diversity of Maine's Environment and the Families Who Want to Protect It

Send us your photos of you and your family spending time in your favorite Maine outdoor places, for our special website feature! Learn more at nrcm.org. Thanks to all of the families that have already sent us your fun, beautiful photos!

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Now Accepting Nominations for NRCM's 13th Annual People's Choice Award

Help us honor someone (or a group) who has gone above and beyond to protect a special place, or helped pass a particular safeguard for Maine's environment, or worked to stop polluting companies from contaminating our state—a volunteer who has devoted their time and effort to making a difference so future generations will enjoy the kind of Maine we know and love today.

We're accepting nominations for our People's Choice Award through **Friday, August 3**, so get your nomination in today! NRCM will compile the nominees and post finalists on our website, where, from **Monday, August 13** through noon on **Monday, September 10**, you, your friends, and your family can vote for the person you think most deserves this year's People's Choice Award. (Please note that we cannot consider someone who currently sits on a regulatory board or who is in the Legislature, or who is or was serving in a paid position while carrying out the work for which you feel they should be nominated. The People's Choice Award honors volunteers.)

Please fill out this form or visit our website (www.nrcm.org/events) to nominate someone today. The winner will be presented with the award at NRCM's Conservation Leadership Awards event this fall. If you have questions or would like more information, please contact Beth Comeau at beth@nrcm.org or (207) 430-0106.

Candidate's Name _____

Address _____

Telephone _____

Please describe below why you believe this person deserves the 2018 People's Choice Award (include any of the nominee's organizational affiliations). Be as specific as possible about this person's accomplishments for Maine's environment. Use a separate sheet if you need more space.

Your name _____

Address _____

Telephone _____

Email _____

Thank you! We will notify you and your nominee if that person is selected as a finalist for NRCM's People's Choice Award. Please return this form to Beth Comeau, NRCM, 3 Wade Street, Augusta, ME 04330-6317. You can also nominate online at www.nrcm.org.